

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12-cv-214

FREDRIC S. LEEMAN, )  
Plaintiff, )  
vs. )  
CENTREX PROPERTIES, INC.; J.D.R. )  
ASSOCIATES, L.L.C.; and J.D.R. )  
HOTEL COMPANY, L.L.C., )  
Defendants. )  
\_\_\_\_\_  
)

**THIS MATTER** is before the Court *sua sponte* to ascertain subject matter jurisdiction. The Plaintiff filed this Complaint (#1) based upon diversity jurisdiction. In the Complaint, the Plaintiff alleges that J.D.R. Associates, L.L.C. and J.D.R. Hotel Company, L.L.C. are both limited liability corporations organized under the laws of the state of North Carolina. The Defendants have admitted those allegations.

Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4<sup>th</sup> Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C.

§1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). A limited liability company is a citizen of all states in which its constituent members are citizens.

Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Defendants have not disclosed whether they have constituent members or partners and where those constituent members or partners have their citizenship and therefore will be required to do so.

**IT IS, THEREFORE, ORDERED** that on or before November 15, 2012, the Defendants shall file a response disclosing the names and citizenships of all the constituent members or partners of J.D.R. Associates, L.L.C. and J.D.R. Hotel Company, L.L.C. and to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: October 25, 2012

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

